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REMARKS

Claims 1-39 are currently pending in the subject application and are presently under consideration. Claims 2, 5, 7, 9-11, and 18-19 have been amended to correct minor informalities, and independent claims 1, 21, and 31-33 have been amended to incorporate aspects of dependent claims 8 and 23, which have been cancelled herein, as shown at pages 2-7 of the Reply. Applicants' representative notes that such amendments do not present new subject matter, and thus do not necessitate a new search or any undue effort on the part of the Examiner.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

**I. Rejection of Claims 1-35 and 37-39 Under 35 U.S.C. §102(e)**

Claims 1-35 and 37-39 stand rejected under 35 U.S.C. §102(e) as being anticipated by Luzeski *et al.* (U.S. 6,404,762). It is requested that this rejection be withdrawn for at least the following reasons. Luzeski, *et al.* does not teach or suggest each and every aspect of the claimed invention.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.*" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (quoting *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). (emphasis added)

The claimed invention relates to an industrial control system and method for communicating over a network that facilitates the transfer of information between a controller and a multitude of remote client applications. More specifically, independent claims 1 and 33 recite similar limitations, namely an *industrial control system comprising a communications component that transmits the subset of data items via a singular communications packet across a network and adds at least one secondary aggregation component based upon at least one of increased data demands and network protocol considerations*. Luzeski, *et al.* is silent with regard to such novel aspects.

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Luzeski *et al.* discloses a messaging system that allows users to access their messages using the Internet. (See Abstract). The system of Luzeski *et al.* includes a Content Manager component that is designed to receive subscription and other content information from various service providers and organize that information in the messaging system. The content manager is essentially a layer within the messaging system of Luzeski *et al.* that receives information from the providers then formats and organizes the information into "multimedia containers" that can be accessed by client applications. (See col. 6, lines 26-29). This component of the system, as disclosed in the portion of the reference cited by the Examiner, is a single entity that runs on a server. (See col. 8, lines 1-6). The reference clearly sets forth the concept of the content manager as a *single* application that utilizes the other layers and components of the messaging system to sort and organize messages. (See col. 13 line 63 – col. 14 line 2). The reference does not, however, disclose that there can be more than one content manager object or application that exists within the system. Having multiple instances of such a component would not be beneficial, given the implementation, as the content manager serves as an interface to the content providers, organizes content into the proper format, provides address lists for containers, and sets the priority of the information in the containers (See col. 13, lines 6-10), which would require additional considerations in the communications protocol because, with multiple content managers, the system would have to maintain the consistency of information between such entities.

The Examiner incorrectly asserts that more requests will result in the creation of more content manager objects or applications; however this assertion is not substantiated in the reference. There is no evidence that *increased data ... or network protocol considerations* result in the change in the system implementation. As shown in the instant specification, the claimed invention has the ability to dynamically add *at least one secondary aggregation component* because of *at least one of increased data demands and network protocol considerations*. (See page 9, lines 3-5). Based on the amount of data being requested, the claimed invention can add additional aggregation components to the system to satisfy the data requests. Thus the cited reference is silent with regard to adding *at least one secondary aggregation component based upon at least one of increased data demands and network protocol considerations*.

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Additionally, independent claims 21 and 31-32 recite similar limitations, namely *adding data items of interest to the object, the data items arranged according to at least one of contiguous and non-contiguous address memory locations*. Luzeski *et al.* is silent with regard to such novel aspects.

It is contended in the Office Action that Luzeski *et al.* discloses *adding data items of interest to the object, the data items arranged according to at least one of contiguous and non-contiguous address memory locations* and that “Content Manager Application” is equivalent to ‘object.’’ (See Office Action dated July 22, 2005). Applicants’ representative avers to the contrary. The Universal Messaging platform disclosed in the portion of the reference cited by the Examiner has the capability of attaching multimedia content to email messages directed to a particular client (See col. 6, lines 17-20), and the content manager component disclosed in the reference sorts and organizes data from content providers that can be distributed to the appropriated users using attachments to email messages. Such multimedia content is not *added* to the content manager itself, instead the content is received by the content manager and “packaged as attachments” to email messages in the system. (See col. 6, lines 19-20). The content manager does “address” these attachments for the purpose of assigning each to “uniquely identified email messages” in order to send the multimedia container in an email message directed to the user. (See col. 6, lines 18-21). However, this form of “addressing” is clearly defined to be a method for specifying the email message with which the container should be sent, and it does not disclose *adding data items* to the object in specific *memory locations*. The only mention of memory management in the reference relates to the use of “a pool of arrays used for temporary storage” within the session manager component (See col. 8, lines 35-39), which is distinct from the content manager component (See Fig. 4A). Yet even in this system component, the reference does not disclose adding data to the object *according to at least one of contiguous and non-contiguous address memory locations*.

The claimed invention recites *adding data to the object* according to certain constraints on the location in memory where such data is to be stored, and as discussed *supra*, Luzeski *et al.* discloses the idea of memory management only with respect to the session manager. However, even in such a capacity, the reference does not disclose

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storing data *according to at least one of contiguous and non-contiguous address memory locations*. The invention as claimed recites that data is stored in *contiguous or non-contiguous* memory locations by the system, which is mentioned nowhere in the cited reference. Furthermore, the object to which such data is added is incorrectly asserted to be equivalent to the content manager application. Per the cited reference, data items are attached to messages and not to the content manager application, thus the content manager application is not equivalent to the claimed *object*. Thus it is readily apparent that Luzeski *et al.* is silent with regard to *adding data items of interest to the object, the data items arranged according to at least one of contiguous and non-contiguous address memory locations* as recited in independent claim 21 and similarly in claims 31-32.

In view of at least the foregoing, it is clear that Luzeski *et al.* does not teach or suggest each and every aspect of the subject invention as set forth in independent claims 1, 21, 31-33 (and claims 2-7, 9-20, 22, 24-30, and 34-39 that depend there from). Therefore, it is respectfully requested that this rejection be withdrawn.

## **II. Rejection of Claim 36 Under 35 U.S.C. §103(a)**

Claim 36 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Luzeski *et al.* in view of Smith-Semedo *et al.* (U.S. 6,877,010). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Luzeski *et al.* does not teach or suggest each and every aspect of the claimed invention, and Smith-Semedo *et al.* fails to make up for the aforementioned deficiencies. Therefore, this rejection should be withdrawn.

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CONCLUSION

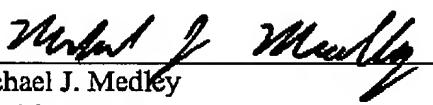
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [ALBRP284US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,

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